

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**DIANE SHEARS**

**PLAINTIFF**

vs.

No. 1:22-cv-2099-LAH

**AMERICAN PUBLIC DEFENSE, INC.,  
and LEWIS BROWN**

**DEFENDANT**

**INITIAL STATUS REPORT**

Pursuant to the Court's Order dated July 13, 2023 (ECF No. 17), Plaintiff submits the following Initial Status Report:

**I. Nature of the Case**

A. Identify the attorneys of record for each party.

Josh Sanford on behalf of the Plaintiff.  
SANFORD LAW FIRM, PLLC  
10800 Financial Centre Parkway, Suite 510  
Little Rock, Arkansas 72211  
Telephone: (501) 221-0088  
Facsimile: (888) 787-2040

There is no attorney of record on behalf of either Defendant.

B. State the basis for federal jurisdiction.

Plaintiff claims that the United States District Court for the Northern District of Illinois has subject matter jurisdiction over this suit under the provisions of 28 U.S.C. § 1331 because this suit raises federal questions under the FLSA, 29 U.S.C. § 201, *et seq.* Plaintiff also alleges violations of the Illinois Minimum Wage Law, 820 ILCS 105/1, *et seq.* ("IMWL"), and the Illinois Wage Payment and Collection Act, 820 ILCS 115/1, *et seq.* ("IWPCA"), which arise out of the same set of operative facts as the federal cause of action; accordingly Plaintiff claims the United States District Court for the Northern District of Illinois has supplemental jurisdiction over Plaintiff's IMWL and IWPCA claims pursuant to 28 U.S.C. § 1367(a).

C. Briefly describe the nature of the claims asserted.

This is a wage and hour case brought by Plaintiff against Defendant for alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, the Illinois Minimum wage Law, 820 ILCS 105/1, *et seq.*, and the Illinois Wage Payment and Collection Act, 820 ILCS 115/1, *et seq.*

D. Describe the relief sought by the plaintiff and provide an estimate of damages.

Plaintiff seeks a declaratory judgment, monetary damages, liquidated damages, treble damages, statutory interest, and a reasonable attorney's fee and costs as a result of Defendant's practice of failing to pay proper wages under the FLSA, the IMWL, and the IWPCA. More specifically, Plaintiff seeks \$8,527.69 in unpaid wages, \$8,527.69 in liquidated damages, \$8,874.31 in statutory premiums, and \$25,583.06 in statutory treble damages—for a total of \$51,512.75, plus attorney's fees and costs in the amount of \$6,239.54.

E. List the name of any parties who have not yet been served.

Defendant Lewis Brown was served with the Complaint and Summons on May 4, 2022. See ECF No. 7. Defendant American Public Defense, Inc., has not been served, and Plaintiff does not intend to move forward in prosecuting Defendant American Public Defense, Inc.

## **II. Discovery and Pending Motions**

A. Briefly describe all pending motions.

Plaintiff filed her Motion for Default Judgment on July 20, 2023. ECF No. 18. There is no briefing schedule for this Motion.

B. Current discovery schedule.

The Court had set a fact discovery deadline by May 11, 2023. ECF No. 6. The Court entered Default against Defendant Lewis Brown (ECF No. 9), and Plaintiff filed her Motion for Default Judgment. ECF No. 18. Plaintiff has not served Defendant American Public Defense, Inc., but she does not intend to move forward in prosecuting Defendant American Public Defense, Inc.

C. Briefly describe all discovery conducted.

No discovery has been conducted, nor does Plaintiff believe that any discovery is necessary. The Court entered Default against Defendant Lewis Brown (ECF No. 9), and Plaintiff filed her Motion for Default Judgment. ECF No. 18. Plaintiff has not served American Public Defense, Inc., but she does

not intend to move forward in prosecuting Defendant American Public Defense, Inc.

D. Briefly summarize all substantive rulings issued in the case.

The Court entered Default against Defendant Lewis Brown on December 22, 2022. ECF No. 9.

E. Briefly describe any anticipated motions.

Plaintiff does not anticipate any further motions beyond her recently filed Motion for Default Judgment. ECF No. 18.

### **III. Trial**

A. Have any of the parties demanded a jury trial?

No.

B. What is the trial date?

There is no trial date, and Plaintiff does not believe a trial date is necessary. The Court entered Default against Defendant Lewis Brown (ECF No. 9), and Plaintiff does not intend to move forward in prosecuting Defendant American Public Defense, Inc.

C. Have the parties filed a final pretrial order?

No. A deadline for filing a final pretrial order has not been set, and Plaintiff does not believe a deadline is necessary because the Court entered Default against Defendant Lewis Brown (ECF No. 9), and Plaintiff does not intend to move forward in prosecuting Defendant American Public Defense, Inc.

D. Estimate the number of trial days.

No trial days are necessary.

### **IV. Settlement, Referrals, and Consent**

A. Have any settlement discussions taken place?

No.

B. Has this case been referred to a Magistrate Judge for discovery supervision and/or a settlement conference?

No.

C. Do the Parties request a settlement conference at this time?

No.

D. Have counsel informed their respective clients about the possibility of proceeding before the assigned Magistrate Judge for all purposes, including trial and entry of final judgment? Do all parties unanimously consent to that procedure?

Plaintiff does not consent.

**V. Other**

A. Is there anything else that the plaintiff wants the Court to know?

No.

Date: July 20, 2023

Respectfully submitted,

**PLAINTIFF DIANE SHEARS**

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/s/ Josh Sanford

Josh Sanford

Ark. Bar No. 2001037

[josh@sanfordlawfirm.com](mailto:josh@sanfordlawfirm.com)

**CERTIFICATE OF SERVICE**

I, Josh Sanford, hereby certify that, on this 20<sup>th</sup> day of July, 2023, a true and correct copy of the foregoing Plaintiff's Initial Status Report, was served via a postage-paid envelope addressed to the Defendant, at the address stated below, which is the last known address of the Defendant, and said envelope was deposited with UPS/FEDEX on this same date.

Lewis Brown  
277 Somonauk Street  
Park Forest, Illinois 60466

/s/ Josh Sanford  
**Josh Sanford**